CONSTITUTIONAL LAW—REVOKING LICENSE.—The defendant, doing business as an undertaker, applied to the board of health for a license to build a stable near his place of business. After the defendant, relying on the license issued, had built the stable, the board of health, on the petition of defendant's neighbors, rescinded and canceled said license. On a bill to enjoin defendant from using the stable, *Held,* that the license, containing no conditions for its exercise, cannot be revoked by the board of health, though it had been improvidently issued. *Lowell* v. *Archambault* (1905), — Mass. —, 75 N. E. Rep. 65.

The soundness of this decision may be questioned and we regret that the dissenting opinions do not appear. However, the peculiar facts of the case may justify it. Defendant claims the board of health had authority to issue the license under Statute of 1895, Ch. 213, but that said statute contains no provision for its recall. Further, that he secured the license before expending money on building, and therefore had a constitutional right to protection. See *Hirn* v. *State,* I Ohio 15 (1852). After a license, containing no conditions for forfeiture, has been granted, it cannot be revoked except by the legislature. In *Grand Rapids* v. *Braudy,* 105 Mich. 670 (1895), it was held that a license granted by the city council could not be revoked unless a reservation of such right was stated in the license. However, a legislative act which revokes a license, does not impair the obligation of a contract, for a license is not a contract. *Commonwealth* v. *Brennan,* 103 Mass. 70 (1869) and *Lantz* v. *Hightstown,* 46 N. J. Law 102 (1884). The board of health had a right to state conditions in the license for violation of which it might be revoked and should have done so in this case. *Schwuchow* v. *Chicago,* 68 Ill. 444 (1873). Failing to place such conditions in the license the board could not revoke it arbitrarily after the defendant had expended money relying upon it. In *Commonwealth* v. *Moylan,* 119 Mass. 109 (1875), it was held that a license cannot be revoked either arbitrarily or because it was injudiciously granted. A license can be revoked only by the action of the legislature or because the licensee has broken one or more of its conditions. See *Mayor* v. *3rd Ave. Ry.,* 33 N. Y. 42 (1865). Also *Shuman* v. *City of Fort Wayne,* 127 Ind. 109 (1890), holding that the power to revoke licenses lies wholly with the legislature.

CONSTITUTIONAL LAW—TAX ON LAWFUL VOCATION.—Appellant was convicted of misdemeanor under the statute (Acts 1903, p. 344), for acting as emigrant agent without paying the required license. *Held,* the license tax imposed by said statute on emigrant agents is not so excessive or unreasonable as to render the act invalid. *Kendrick* v. *State* (1905), — Ala. —, 39 So. Rep. 203.

Appellant contended that the statute is violative of the Fourteenth Amendment. The Supreme Court decided this question in *Williams* v. *Fears* (1900), 179 U. S. 270, in which case an emigrant agent is defined as any person engaged in hiring laborers to be employed beyond the limits of the state. The court held that the levy of a tax did not amount to such an interference with the freedom of transit, or of contract, as to violate the Federal Constitution. There is no doubt that the appellant's right to pursue